

REMARKS

Claims 1-20 were pending in the case at the time of the Office Action. All claims stand rejected, but the only current rejection against claim 17 is an obviousness-type double patenting rejection that can be resolved by a terminal disclaimer, which is now presented. As a result of amendments, claims 17-21 remain and all are believed to be allowable, as explained below.

Claim amendments

Recognizing the finality of the present rejection, the applicant respectfully requests the entry of the present Response after Final to permit allowance of the case.

Claims 1-16 are canceled, with the applicant reserving the right to file a continuation application to cover the subject matter thereof.

Claim 17, an independent claim directed to a closure apparatus, has been determined to be allowable, and claim 18 is allowable as a proper dependent claim.

Claim 19 is an independent claim that is directed to a container having a closure apparatus secured thereto. Previously, the closure apparatus claimed as a part of the container claimed in claim 19 has not contained the limitations of the closure apparatus of claim 17. By amendment, claim 19 is now directed to a container having a closure apparatus with the limitations of claim 17. For that reason, claim 19 is believed to be allowable.

Claim 20 is amended to change the "distal" and "proximal" terminology of prior claim 20 to use the terms "frontward" and "rearward," consistent with claim 19. Therefore, claim 20 is believed to be allowable as a proper dependent claim of claim 19.

New claim 21 applies the limitation of the closure apparatus found in claim 18 to the container of claim 19, so it is a proper dependent claim of allowable claim 19.

The review and allowance of the remaining claims does not require any additional consideration or searching.

Double Patenting

The Examiner has rejected claims 1-20 as unpatentable over claims 1-11 of US Patent 6,685,055, under the judicially-created doctrine of obviousness-type double patenting.

The terminal disclaimer requested is filed herewith, along with the required fee.

As the undersigned attorney has previously indicated, this terminal disclaimer is being provided as soon as there is indication of allowable subject matter. The undersigned attorney is aware of no requirement that a terminal disclaimer cannot be held in abeyance until such allowable subject matter is indicated.

Rejections under 35 USC §102(b) and 103(a)

The Examiner's rejections of claims 1-4, 8, 10-12, 15 and 16 as anticipated by Baerenwald '449 are mooted by cancellation of these claims. The anticipation rejection of claim 19 is mooted by the amendment of claim 19 discussed above.

The Examiner's rejections of claims 5-7, 13 and 14 as obvious over Baerenwald '449 are mooted by cancellation of these claims. The obviousness rejection of claim 20 is mooted by the amendment of claim 19 discussed above.

Information Disclosure Statement

The Examiner has commented on the Information Disclosure Statement and the undersigned attorney's failure to address the lack of copies of the cited foreign patent documents in the prior response.

A review of the parent application file shows that an Information Disclosure Statement was mailed to the Patent Office on 24 September 2001, with a mailing certificate, although the undersigned attorney agrees that a close review of our file never shows that the IDS was reviewed by the present examiner, who was the examiner in that application.

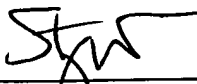
There are three foreign patents cited in the IDS. Of these, the undersigned notes that one of the references (WO 99/39984) has a US equivalent, to wit, US Pat 6,554,181, to which the examiner is referred. Of the other two foreign references, the undersigned notes that one is incorrectly cited. The reference cited as EP92111410.4 should correctly be cited as EP0577865. The former number is the application number instead of the publication number. A copy of the abstract of the Derwent application for that case is enclosed herewith, as is a copy of the Derwent abstract for JP2-242753.

Conclusion

The Applicant respectfully submits that the present application is now in condition for allowance and such action is earnestly requested.

Respectfully submitted,

Dated: 21 Nov. 2005

By: 

Stephen L. Grant
Registration No. 33,390
Standley Law Group LLP
495 Metro Place South, Suite 210
Dublin, Ohio 43017-5319
Telephone: (614) 792-5555
Facsimile: (614) 792-5536

**BLOW MOLDING HAVING HINGE**

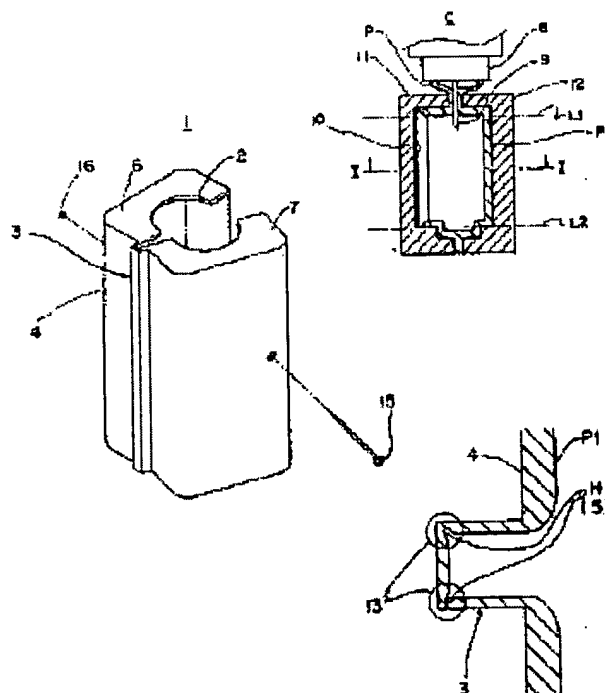
Patent number: JP2242753
Publication date: 1990-09-27
Inventor: SHIMAZAKI KATSUHIKO
Applicant: NISSAN SHATAI CO LTD
Classification:
- international: B65D43/16
- european:
Application number: JP19900037086 19900217
Priority number(s):

Report a data error here

Abstract of JP2242753

PURPOSE:To simplify the structure of a device for blowing air into molding die and parison by forming a hollow molding with a hinge part shaped on the side wall thereof, after which it is cut into an article shape.

CONSTITUTION:At the time of blow molding, molten resins P are ejected from an ejection device 8 into a cylindrical form, clamped between forming dies 11 and 12 brought together and an air jet is delivered for molding from a blow nozzle 9 to bring the molten resins into close contact with the inner surfaces (molding face) of these dies 11 and 12. The molding temperature is thereafter decreased to harden the resins P so as to form a resin molding P1. After the die opening, the resin molding (hollow molding) P1 is cut along separating lines L1 and L2 and then vertically along separating planes excluding a projection 3 to form a steering column cover 1 with thin wall parts 5 serving as a hinge H1. The molding in this way can simplify the structure of this device.



Data supplied from the **esp@cenet** database - Patent Abstracts of Japan

Aseptic liquid packaging container with reclosable opening member

Patent number: DK577865T
Publication date: 1996-05-20
Inventor: CAMPS AN JOSEPHA MARIA (BE); NEERGAARD ARTHUR (BE)
Applicant: PROCTER & GAMBLE (US)
Classification:
- international: B65D5/72
- european: B65D5/72F
Application number: DK19920111410T 19920706
Priority number(s): EP19920111410 19920706

Also published as:

EP0577865 (A1)

EP0577865 (B1)

[Report a data error here](#)

Abstract not available for DK577865T

Abstract of corresponding document: **EP0577865**

The invention relates to a single piece reclosable opening member (10) for pouring liquids from packaging containers. In particular, the invention relates to reclosable opening members (10) which have a lid (18) for reclosure and which are initially opened by pulling up the lid (18). In a preferred embodiment the pulling-up motion of the lid (18) actuates opening of a designated opening aperture (38) in the container. This is achieved by pushing down the material of the designated opening aperture (38) into the container, thereby separating it from the container and lifting it out of the container when pulling up the lid (18). This preferred embodiment achieves initial opening in one single motion. In a second aspect the present invention relates to the above described opening member in combination with an aseptic laminate container having a designated opening aperture.

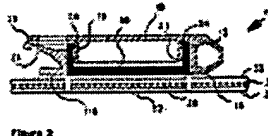


Figure 2

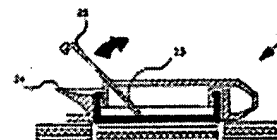


Figure 3

Data supplied from the **esp@cenet** database - Worldwide